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United States Court of Appeals

FOR THE DISTRICT OF COLUMBIA CIRCUIT

NOV 30 1973

No. 71-1026

HAROLD WEISBERG, APPELLANT

v.

U. S. DEPARTMENT OF JUSTICE

On Rehearing *En Banc*

Decided October 24, 1973

Bernard Fensterwald, Jr., with whom *James H. Lesar* was on the brief, for appellants.

Walter H. Fleischer, Attorney, Department of Justice, with whom Assistant Attorney General *L. Patrick Gray, III*, at the time the brief was filed, *Thomas A. Flannery*, United States Attorney at the time the brief was filed, *Harold H. Titus, Jr.*, United States Attorney, and *Barbara L. Herwig*, Attorney, Department of Justice, were on the brief, for appellee. *Alan S. Rosenthal*, Attorney, Department of Justice, also entered an appearance for appellee.

Before: BAZELON, *Chief Judge*, DANAHER,* *Senior Circuit Judge*, WRIGHT, MCGOWAN, TAMM, LEVENTHAL,

* No. 71-1829, Committee to Investigate Assassinations v. U.S. Department of Justice was argued together with the above entitled case. *Senior Circuit Judge* Danaher did not participate in the consideration or disposition of 71-1829 and an opinion in that case will be forthcoming.

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